

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 30, 2007**

DIVISION ONE

[illegible]

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                    Jackson, J. (Assigned)

B190489 Latoya Rankins (Not for Publication)  
v.  
Verizon Communications, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

DIVISION TWO

**MISCELLANEOUS ORDER**

**2007-01**

**RE**

***CUNNINGHAM v. CALIFORNIA***

In pending appeals in which an appellant's opening brief has been filed prior to the date this order was filed, and in which an opinion has not yet been filed, an application for leave to file a supplemental brief is not required before filing a supplemental brief arguing that an appellant's sentence is unconstitutional based on the decision of the United States Supreme Court in *Cunningham v. California*, (No. 05-6551, January 22, 2007, \_\_U.S.\_\_ ;\_\_\_\_ S.Ct\_\_\_\_;\_\_ L.Ed.2d \_\_; 2007 WL 135687; 2007 U.S.LEXIS 1324; 2007 DJDAR 965). Henceforth, appellants shall not apply for leave to file a supplemental brief premised on *Cunningham, supra*.

Any supplemental appellant's opening brief submitted pursuant to this order shall be served and filed on or before February 28, 2007. If a supplemental brief is filed pursuant to this order, the time for filing respondent's brief shall be extended to a date 30 days from the filing of appellant's supplemental brief.

If respondent's brief has already been filed, respondent shall have leave to file a supplemental respondent's brief within 15 days of filing of the supplemental opening brief, and any appellant's supplemental reply brief shall be served and filed within 10 days of filing of the supplemental respondent's brief.

Boren, P.J.

DIVISION THREE

B194150      Ana E.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children and Family Services, r.p.i.)

The petition is denied.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B192344 People (Not for Publication)  
v.  
Waheed Alam

The appeal is dismissed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B192615      People      (Not for Publication)  
v.  
Francisco Romero

The appeal is dismissed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B186614 People (Not for Publication)

B186615 v.  
Jorge Lopez Alvarez

The judgments are affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B190232 People (Not for Publication)

V.  
Steven Williams

The trial court's order granting Williams a new trial on the prior conviction allegations is reversed. The matter is remanded for further proceedings consistent with the opinions expressed herein.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

## DIVISION FOUR

B189284 Vereecke (Not for Publication)

v.  
Ziffren, Brittenham, Branca, Fischer, etc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

DIVISION FIVE

B193724 People (Certified for Publication)

V.

Brian McEwan

The appeal is dismissed.

Kriegler, J.

We concur: Turner, P.J.

Mosk, J.

B189984      People      (Not for Publication)

V.

Jeovany P.

The judgment is affirmed.

Kriegler, J.

We concur:   Armstrong, Acting P.J.

Mosk, J.

B184635 Samia A. et al (Not for Publication)

V.

Andrew Freedman

The order granting judgment notwithstanding the verdict is reversed. The order granting defendant's new trial motion is affirmed. The matter is remanded for a new trial. The parties are to bear their own costs on appeal.

Kriegler, J.

We concur:   Turner, P.J.

Armstrong, J.

## DIVISION FIVE (Continued)

[illegible]

The trial court is directed pursuant to Penal Code section 654 to stay the sentence imposed for either the charge of forgery of a public seal in violation of Penal Code section 472 or forgery of a vehicle registration document in violation of Vehicle code section 4463, subdivision (a). In all other respects, the judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Mosk, J.

B189836      People                                  (Not for Publication)  
v.  
Deandre George

The judgment is affirmed.

Kriegler, J.

We concur:   Armstrong, Acting P.J.  
Mosk, J.

B189494      People      (Not for Publication)  
v.  
Brian Steward

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION FIVE (Continued)

B191014      Harriet Barton                      (Not for Publication)

v.

Steadfast Management et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Armstrong, Acting P.J.  
Mosk, J.

B189594      Shirley Goodwin                      (Not for Publication)

v.

Denise Hardy et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
Mosk, J.

B189408      People                                      (Not for Publication)

v.

Gerardo Diaz

The judgment is affirmed.

Armstrong, Acting P.J.

We concur:    Mosk, J.  
Kriegler, J.

January 30, 2007 (Continued)

## DIVISION FIVE (Continued)

B189395 People (Not for Publication)

V.

Pedro Diaz

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B193172 Adarsh Ahuja, et al

V.

# State Farm Insurance Companies

Filed order dismissing appeal as untimely. Appeal (notice of appeal filed August 15, 2006) dismissed.

DIVISION SIX

B185751 People (Not for Publication)

V.

Sullivan

The judgment is reversed.

Coffee, J.

I concur:        Gilbert, P.J.

I dissent: Yegan, J. (Opinion)



## DIVISION SEVEN

B188127 People (Not for Publication)  
v.  
Hampton

The judgment is affirmed.

Woods, J.

I concur: Perluss, P.J.  
I dissent: Johnson, J. (Opinion)

B174379 People (Not for Publication)  
v.  
Martinez et al.,

The judgment is reversed.

Johnson, J.

I concur: Perluss, P.J.  
I dissent: Woods, J. (Opinion)

B193415      People      (Not for Publication)  
v.  
Jeffrey S.,

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B186942     Bazargan  
              v.  
              Hilton Universal City Towers

Filed order denying petition for rehearing.

B185996     Knapp  
              v.  
              Palisades Charter High School

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B187093     People v. Samuel  
B18314     People v. Smith  
B186586     People v. Cooper  
B186731     People v. Moore  
B187579     People v. Banda  
B188754     People v. Zepeda  
B190214     People v. Lambert  
B190385     DCFS v. Susan C.

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B187665      Voelker  
                 v.  
                 Morales

Merits:

Argued by John Moriarity for appellant and by David Ryan for respondent.  
In open court the parties were instructed to participate in the court's  
mediation program. Cause submitted.

B190852      Zimmerman  
                 v.  
                 Zimmerman

Merits:

Argued by Joanna Rehm for appellant and by Donna Bader for respondent.  
Cause submitted.

B190147      Skobin  
                 v.  
                 Cunningham, M.D., et al.,

Merits:

Argued by Jeffrey P. Lustman for appellant and by Suzanne De Rosa and  
David P. Pruett for respondents. Cause submitted.

B191230      Regan  
                 v.  
                 L.A. Unified School District

Appearances:

Rupert Byrdsong for respondent and no appearance by Michael Regan,  
appellant in propria persona. Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B187937     Suh  
              v.  
              Suh

Merits:

Argued by Ralph Martinez for appellant and by Jay J. Chung for respondent. Cause submitted.

B189251     On-Line Power, Inc.,  
              v.  
              Mazur

Merits:

Argued by Faryan A. Afifi for respondent and by Henry J. Josefsberg for appellant. Cause submitted.

Rubin, J. left the bench at 11:24 a.m.

B189577     Dobrowolski  
              v.  
              Fitzgerald

Merits:

Argued by Alan R. Chappell for appellant and by Robert Vars for respondent. Cause submitted.

Rubin, J. returned to the bench at 11:39 a.m.

B183579     Whalley  
              v.  
              Scharf et al.,

Merits:

Argued by Lester Whalley, appellant in propria persona and by William Weinberger for respondents and no appearance by Edmond Nassirzadeh for respondent Forest . Cause submitted.

Court recessed at 12:22 p.m.

DIVISION EIGHT (Continued)

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B185254      Chandna  
                 v.  
                 Chandna

Merits:

Argued by Frank Feffer for appellant and by Christopher Lockwood for respondent. Cause submitted.

B185777      Pacey  
                 v.  
                 Moine

Merits:

Argued by John Douglas for appellant and by Anton Plese for respondent. Cause submitted.

Cooper, P.J. assumes the bench.

B178612      Antonova  
                 v.  
                 Law Offices of Stephen Durringer & Associates et al.,

Merits:

Argued by Nina Antonova, appellant in propria persona and by Kirk Beatty appearing for respondents and waiving argument. Cause submitted.

B189151      Benach  
B191036      v.  
                 County Of Los Angeles et al.,

Merits:

Argued by Russell Shields for appellant and by J. Scott Tiedemann for respondents. Cause submitted.

DIVISION EIGHT (Continued)

Boland, J. left the bench.

B186124     People  
                 v.  
                 Jimenez

Merits:

Argued by William J. Genego for appellant and by Robert David Breton,  
Deputy Attorney General for respondent. Cause submitted.

Boland, J. returned to the bench.

Rubin, J. left the bench.

B174896     Gousse et al.,  
                 v.  
                 City of Los Angeles  
                 Budget Rent-A-Car et al.,

Merits:

Argued by Browne Greene for plaintiffs / appellants Gousse; by Janet G.  
Bogigian, Assistant City Attorney for defendant / appellant City of Los  
Angeles and by Thomas N. Charchut for defendants / respondents Budget.  
Cause submitted.

B190075     In re Norberto Arredondo  
                 v.  
                 on Habeas Corpus

Oral argument continued to February 27, 2007, at 10:30 a.m.

Court adjourned.